

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/469,887	12/22/1999	Rishi Mohindra	PHA-23-916	5482
7	7590 08/12/2003			
Corporate Patent Counsel U S Philips Corporation 580 White Plains Road			EXAMINER	
			NGUYEN, THUAN T	
Tarrytown, NY	10591		ART UNIT	PAPER NUMBER
		•	2685	
			DATE MAILED: 08/12/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 09/469,887

Applicant(s)

Mohindra

Examiner

Office Action Summary

Thuan Nguyen

Art Unit 2685



	<u> </u>	
	The MAILING DATE of this communication appears	on the cover sheet with the correspondence address
	for Reply	TO EVEIDE 2 MONTHY OVER ON
	ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION.	TO EXPIRE MONTH(S) FROM
- Extens	sions of time may be available under the provisions of 37 CFR 1.136 (a). In	no event, however, may a reply be timely filed after SIX (6) MONTHS from the
_	g date of this communication. period for reply specified above is less than thirty (30) days, a reply within th	ne statutory minimum of thirty (30) days will be considered timely.
	period for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the	and will expire SIX (6) MONTHS from the mailing date of this communication.  ne application to become ABANDONED (35 U.S.C. § 133).
	uply received by the Office later than three months after the mailing date of the patent term adjustment. See 37 CFR 1.704(b).	this communication, even if timely filed, may reduce any
Status	,,	
1) 🗆	Responsive to communication(s) filed on	
2a) 🗌	This action is <b>FINAL</b> . 2b) ☑ This action	ion is non-final.
3) 🗆	Since this application is in condition for allowance e closed in accordance with the practice under Ex pair	except for formal matters, prosecution as to the merits is rte Quayle, 1935 C.D. 11; 453 O.G. 213.
Disposi	tion of Claims	
4) 💢	Claim(s) <u>1-25</u>	is/are pending in the application.
4	la) Of the above, claim(s)	is/are withdrawn from consideration.
5) 🗆	Claim(s)	is/are allowed.
6) 🗆	Claim(s)	is/are rejected.
7) 🗆	Claim(s)	is/are objected to.
8) 💢	Claims <u>1-25</u>	are subject to restriction and/or election requirement.
Applica	ation Papers	
9) 🗆	The specification is objected to by the Examiner.	
10)	The drawing(s) filed on is/are	a) $\square$ accepted or b) $\square$ objected to by the Examiner.
	Applicant may not request that any objection to the d	Irawing(s) be held in abeyance. See 37 CFR 1.85(a).
11)	The proposed drawing correction filed on	is: a) $\square$ approved b) $\square$ disapproved by the Examiner.
	If approved, corrected drawings are required in reply t	to this Office action.
12)	The oath or declaration is objected to by the Exami	iner.
Priority	under 35 U.S.C. §§ 119 and 120	
13)	Acknowledgement is made of a claim for foreign pr	riority under 35 U.S.C. § 119(a)-(d) or (f).
a) 🗆	☐ All b)☐ Some* c)☐ None of:	
	1. $\square$ Certified copies of the priority documents have	re been received.
	2.   Certified copies of the priority documents have	re been received in Application No
	3. Copies of the certified copies of the priority do application from the International Burea	ocuments have been received in this National Stage
*S	ee the attached detailed Office action for a list of the	
14)	Acknowledgement is made of a claim for domestic	priority under 35 U.S.C. § 119(e).
a) [	$\Box$ The translation of the foreign language provisiona	al application has been received.
15)	Acknowledgement is made of a claim for domestic	priority under 35 U.S.C. §§ 120 and/or 121.
Attachm	ent(s)	
1) No	otice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s).
_	otice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Patent Application (PTO-152)
3) [ Inf	formation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Other:

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## **DETAILED ACTION**

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7 and 17-21, drawn to a method for power ramping in a transceiver having a power ramplifier and a pair of up-converter-mixers, classified in class 455, subclass 13.4.
  - II. Claims 8-16 and 22-25, drawn to a digital transceiver and its internal circuitry for operating the digital transceiver with a control of a VCO used in a wireless communications system for receiving a signal, particularly, in a wireless local LAN, classified in class 455, subclass 86.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, and II are related as combination and subcombinations. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I drawn to a method for power ramping in a transceiver having a power ramplifier and a pair of upconverter-mixers, classified in class 455/13.4. The subcombination has separate utility whereas invention II is about a digital transceiver and its internal circuitry for operating the digital transceiver with a control of a VCO used either in a wireless communications system and a

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wireless local LAN for receiving a signal, classified in class 455/86. The power ramping technique is a general procedure in power controlling technique, and the subcombination has separate utility whereas invention II is about an internal circuitry of a transceiver, which goes further with more details of components of the tranceiver, i.e, a receiver, a transmitter, a frequency synthesizer including a VCO, a controller for isolating the power amplifier, and a multiplier, and the switching technique between internal components, while invention I does not require to include or disclose those components therein. See MPEP § 806.05(d).

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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## Conclusion

6. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

TONYT. KGUYEN PATENT EXAMINER

Tony T. Nguyen Art Unit 2685 August 7, 2003